

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W. P. NO. 16778 of 1997

DATED: 08-02-2007

Between:-

P . Shankaraiah s/o Rajaveeru, a/a 59 years, Retd. Employee, R/o
H.No. 3-15, Padmashally Vada, Manthani, Karimnagar District.

...PETITIONER

And

1. Government of A.P. represented by the Commissioner for Co-operation and Registrar of Co-operative Societies, Andhra Pradesh,
2. The General Manager, the Karimnagar District Co-operative Central Bank Ltd., Karimnagar.

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RESPONDENTS

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

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ORDER

The benefit of encashment of Earn Leave was increased from 180 days to 240 days and gratuity amount payable from 15 months to 20 months with effect from 07-11-1996 for employees working in the 2nd respondent-District Cooperative Central Bank Limited.

The grievance of the petitioner, as put across by Sri S. Agasthya Sarma, learned counsel for the petitioner, is that since the Employees Union had submitted a representation to the A.P. State Co-operative Central Bank (for short 'APCOB') on 22.08.1996, these benefits should be extended to all such employees who retired from service after 22.08.1996, in which event, the petitioner would also be entitled for the said benefit.

Sri S. Agasthya Sarma would seek sympathetic consideration of the petitioner's case and submit that since employees of APCOB were given these benefits even prior thereto, the District Co-operative Central Banks under its control should also be required to extend the same benefit to its employees.

Sri P. Srinivas, learned counsel appearing on behalf of 2nd respondent, would submit that pursuant to the representation made by the Employees Union representing all 22 Districts Co-operative Central Banks in the State, to APCOB for extending these benefits,

APCOB had recommended extension of these benefits to employees of District Co-operative Central Bank to the Registrar of Co-operative Societies, who in turn, in exercise of the powers conferred under Section 116-C of the A.P. Co-operative Societies Act, 1964, had extended these benefits with prospective effect from the date of issuance of the order dated 07-11-1996. Learned Standing Counsel would submit that, since the benefit can only be granted after approval of the Registrar of Co-operative Society under Section 116-C of the Act, these benefits were extended from that date and not prior thereto. Learned counsel submits that the cut-off date of 07-11-1996 has been made applicable not only to employees of the Karimnagar District Co-operative Central Bank, but to all the A.P. State Co-operative Bank employees in the State and that no exception can be made in respect of employees of the Karimnagar District Co-operative Central Bank, while fixing the cut-off date as 07-11-1996.

The only question this Court is required to consider is whether fixing 07-11-1996 as the cut-off date suffers from the vice of illegality or irregularity. Since any proposal is required to be accepted by the Registrar of Co-operative Societies under Section 116 © of the A.P. Co-operative Act and inasmuch as the proposal for extending these benefits as recommended by APCOB was approved by the Registrar of Co-operative Societies on 07-11-1996 extension of these benefits from that date cannot be said to be arbitrary or irrational. Court cannot lose sight of the fact that prescription of any date as the cut off would cause heartburn to employees who retired prior thereto. While the petitioner's grievance does evoke sympathetic, these are all matters, which courts are slow to interfere with, unless it is found to be patently arbitrary or irrational. Prescription of 7-11-1996 as the cut-off date in the present case does not fall foul of Articles 14 and 16 of the

Constitution of India.

The writ petition fails and is accordingly dismissed. However,
in the circumstances, without costs.

J
8th February, 2007
vp

RAMESH RANGANATHAN,